

**REPORT TO:** East Lothian Licensing Board  
**MEETING DATE:** 28 January 2021  
**BY:** The Clerk of the Licensing Board  
**SUBJECT:** Request to Extend Provisional Premises Licence

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## **1 PURPOSE**

- 1.1 To advise Members of a request made in terms of section 45(7) of the Licensing (Scotland) Act 2005 (“the Act”) to extend the period of a provisional premises licence in respect of premises at 10-12 Court Street, Haddington.

## **2 RECOMMENDATIONS**

- 2.1 That East Lothian Licensing Board considers whether to grant the request to extend the period of effect of the Provisional premises licence, and if minded to grant, to determine the appropriate period of the extension.

## **3 BACKGROUND**

- 3.1 In terms of section 45 of the Act, a provisional premises licence granted by the Board does not take effect until confirmed. If the provisional premises licence is not confirmed by the period ending 4 years from the date of issue, it is treated as being revoked.
- 3.2 On the application of the holder of a provisional premises licence made before the expiry of the 4 year period, the Licensing Board can extend the provisional period by such period as it considers appropriate if it is satisfied that:-
- (i) completion of the construction or conversion of the premises has been delayed; and
  - (ii) the delay has been caused by factors out with the licence holder’s control.

- 3.3 The provisional premises licence in respect of the premises at 10-12 Court Street, Haddington, was originally granted by the Licensing Board on 24 March 2016.
- 3.4 At the January Board 2020, the duration of the Licence was extended by one year. It is therefore now due to expire in March 2021.
- 3.5 Mr McDonald's clients originally envisaged this would be more than sufficient time for the building work and paperwork to be completed, due largely to the COVID situation, this has proved impossible.
- 3.6 An email from Mr McDonald provided background information:
- Discussions with Building Standards and have identified what work requires to be done. They are currently attempting to organise contractors, which in the current climate is very difficult.
- I do not think there is any possibility of being in the position to confirm this Licence prior to its current expiry date.
- Accordingly in terms of Section 45(7) of the Licensing (Scotland) Act 2005, I would ask the Board to consider a further extension.
- 3.7 The premises are described as a Café/Bistro in a commercial unit situated in Court Street, Haddington. If confirmed, the premises licence will have a maximum capacity figure of 38 persons, with licensed hours for the sale of alcohol on & off the premises of 11.30am to 10pm - Monday to Sunday.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community, or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

## 7 BACKGROUND PAPERS

7.1 None.

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